

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>
	10/581,533		STURGEON ET AL.
	<b>Examiner</b>		<b>Art Unit</b>
	Darren W. Ark		3643

  

**All Participants:**

(1) Darren W. Ark.

(2) Raymond Van Dyke.

**Date of Interview:** 27 January 2011

**Type of Interview:**

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description: \_\_\_\_\_

**Part I.**

Rejection(s) discussed:

*Rejections of the Non-Final Action mailed on 09/07/2010*

Claims discussed:

*14, 16-18, 28, 31-69*

Prior art documents discussed:

*Prior art of record*

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Darren W. Ark/  
Primary Examiner, Art Unit 3643

**Status of Application:** Response to Non-Final

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** 4:30pm EST

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner stated that in regard to claims 31, 58, 63, and 69, Miyasaki 5,177,896 discloses a first housing (6, 8, 16) having a passage therethrough (10); a second housing (4) having a closed passage (walls of 4 enclose hollow of 4 and also closed by fill dirt 44 blocking right end of 4; closed passage not being particularly claimed) and an open end (defined by front end of 4 engaging 6), the first and second housings being aligned and connected so that the passage is substantially coterminous with the open end of the closed passage (see Fig. 2), forming a common passage within the housings; a trigger device (20) with a trigger placed between a bait or attractant within the closed passage (fill dirt 44 inside 4) and the open end of the closed passage (left open end of 4; also some of the fill dirt 44 falling into the trap shown to be between; see col. 2, lines 49-58 and lines 61-63); a ring release mechanism (28, 30, 30a); at least one resilient ring (40), the ring release mechanism releasing the expanded ring (see phantom line drawing in Fig. 3), the ring upon release by the ring release mechanism, detaches from the device and contracts onto the vermin (40 disengages from 8) and contacts onto the vermin (A), whereby the vermin is killed. Examiner proposed amending claims 31, 58, 63, and 69 to further recite that "said at least one expanded resilient ring...detaches from said vermin extermination device so as to be free therefrom" or "from said extermination device" in order to emphasize that the ring is free of any connection to the device and overcome Miyasaki which discloses the snare line (34) having a slip knot (36) arranged to form a running noose (38) that carries the resilient ring (40) and that the free end of the line (34) has a knot end (35) that cannot slide through the joint between wall (6) and body member (4) and thus serves as a stop or anchor for further sliding movement to prevent a trapped animal (A) from moving any further relative to the device. Examiner stated that thus Miyasaki does not disclose the resilient ring which detaches from the device so as to be free therefrom since the ring (40) of Miyasaki is in effect tethered to the device by the line (34), knot end (35), slip knot (36), and running noose portion (38). Examiner also directed applicants' attention to Schwartz 1,899,641 which discloses a first housing (1) with a passage (2, 7); a second housing (22) with a closed passage (hollow of 22 is enclosed by top and bottom walls of 22; closed passage not being particularly claimed) with an open end (24), the housings aligned and connected so that the passage is coterminous with the open end of the closed passage forming a common passage (see Fig. 2 or 3); a trigger device with a trigger (9) placed between a bait (left portion of 11 is to the right of 9) and the open end of the closed passage (24); a ring release mechanism (14); at least one resilient ring (19 of spring wire), the ring release releasing the ring upon actuation of the trigger, the ring upon release by the ring release mechanism, detaches from the device (19 after being triggered is only attached to the device by 17 and detaches from 13-15) to kill the vermin (by choking), but Schwartz does not disclose the resilient ring which "detaches from said vermin extermination device so as to be free therefrom" or "from said extermination device". Examiner also proposed amending the claims to overcome claim objections and 35 U.S.C. 112, 2nd paragraph rejections. Examiner proposed amending claims 31, 58, and 69 such that it is more clearly recited that the at least one resilient ring becomes the at least one expanded resilient ring after it is expanded and thus performs the function as claimed. Examiner also proposed amending claim 44 to substitute the term "a biasing means" with --said spring means-- since the term "spring means" was previously claimed in claim 38 from which claim 44 depends. Examiner stated that the spring means and the biasing means are the same structure since they both represent the spring 20 of applicant's invention. Examiner proposed amending claim 63 to more positively recite the steps of "forming said common passage" and "placing said trigger" which I believe are positive steps to be recited in the method. Examiner proposed making claim 68 dependent from claim 31 rather than claim 63 since it appears applicant is attempting to claim a method of using the device of claim 31. Applicant agreed with the proposed amendments. Please see the Examiner's Amendment for details.